United Nations S/AC.51/2013/2

Security Council

Distr.: General
16 August 2013

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Myanmar

1. At its 38th meeting, on 20 May 2013, the Security Council Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in Myanmar (S/2013/258), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Deputy Permanent Representative of Myanmar participated in the subsequent discussion.

2. The members of the Working Group welcomed the submission of the report of the Secretary-General, in accordance with Security Council resolution 1612 (2005), and took note of the analysis and recommendations contained therein.

3. The Working Group expressed appreciation for the progress made in recent years by the Government of Myanmar to end violations and abuses against children and welcomed the signature on 27 June 2012 by the Government of Myanmar and the country task force on monitoring and reporting of an action plan to end and prevent the recruitment and use of children in the Tatmadaw. The Working Group equally welcomed the conclusion of agreements under which commitments were made to a ceasefire and to cease hostilities between the Government of Myanmar and all armed groups. Despite these encouraging developments, members of the Working Group underlined that many challenges remain and that further efforts need to be undertaken by the Government of Myanmar to end violations and abuses against children and, in this regard, to fully comply with its commitments under the terms of the action plan.

4. The Deputy Permanent Representative of Myanmar outlined the reform measures taken by his Government to cease underage recruitment in its armed forces and to implement the action plan. In a time of democratic transformation, the representative of Myanmar stated that his country had hoped that the report would highlight Myanmar's efforts and commitments more thoroughly. He stated that reported acts of illegal recruitment were the deeds of some individuals rather than a policy of the Tatmadaw. Likewise, he indicated that damage and/or destruction of certain schools or hospitals was accidental and could not amount to a policy of targeting or attacking schools, hospitals or women and children. The representative of Myanmar renewed the invitation to the Working Group to visit his country to observe the progress made in the implementation of the action plan.

13-43073 (E) 210813

Please recycle

5. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012), the Working Group agreed to the direct action set out below:

Public statement issued by the Chair of the Working Group

6. The Working Group agreed to address the following message to all parties to the armed conflict in Myanmar mentioned in the report of the Secretary-General through a public statement by its Chair:

(a) Welcoming the ongoing efforts to address the issue of recruitment and use of children in Myanmar and the progress made in that respect since the last conclusions of the Working Group (S/AC.51/2009/4);

(b) Welcoming the signature by the Government of Myanmar and the country task force on monitoring and reporting of an action plan to end and prevent the recruitment and use of children in the Tatmadaw, including the integrated border guard forces, as well as the releases of children from the Tatmadaw, and urging the Government of Myanmar to take measures towards the full implementation of the action plan, which is an important step for a party to be delisted from the annexes to the report of the Secretary-General on children and armed conflict;

(c) Taking note with appreciation of the memorandum of understanding signed in June 2012 by the Government of Myanmar with the International Labour Organization (ILO) to end, by 2015, the use of forced labour, including the recruitment of children;

(d) Stressing the importance of ensuring that the issue of child protection, including the release and reintegration of children, is integrated into ceasefire and/or peace talks and agreements;

(e) Expressing deep concern about the continued recruitment and use of children in violation of international law by all parties to the armed conflict, as well as the continued abductions of children, including for recruitment purposes;

(f) Expressing concern regarding reports of killing and maiming of children in violation of applicable international law, including through the use of anti-personnel landmines, as well as military actions that impede the safe access of children to education and health services;

(g) While acknowledging some progress in humanitarian access to vulnerable groups, including children, expressing concern about continued restrictions in certain areas of the country, which are an obstacle to providing essential humanitarian assistance for children;

(h) Demanding that all parties to the armed conflict further implement previous conclusions of the Working Group (S/AC.51/2008/9, S/AC.51/2009/4) and urging them to take measures to prevent and to cease immediately all violations of international law involving:

(i) Recruitment and use of children;

(ii) Abduction of children;

(iii) Denial of humanitarian access, including to internally displaced persons, in conflict areas;

(iv) Killing and maiming of children;

(v) Acts of rape and all other forms of sexual violence against children;

(vi) Attacks on schools and hospitals, including their personnel;

(i) Also urging all non-State actors to take all necessary action towards the full implementation of their commitments and obligations and to expeditiously develop action plans in line with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012).

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of Myanmar:

(a) Welcoming the progress made in Myanmar since the last conclusions of the Working Group (S/AC.51/2009/4), in particular the signature by the Government of Myanmar and the country task force on monitoring and reporting of an action plan to end and prevent the recruitment and use of children in the Tatmadaw, including the integrated border guard forces, as well as the releases of children from the Tatmadaw, and urging in this regard the Government of Myanmar:

(i) To identify, register and discharge all children within the ranks of the Tatmadaw in coordination with the country task force on monitoring and reporting, to ensure that all new recruits to the Tatmadaw are over the age of 18 by strictly applying the directive of the Directorate of Military Strength of October 2012, and to continue its dialogue with the country task force to address the issue of relaxation of age restrictions for military service in the armed forces with a view to rescinding it;

(ii) To cease immediately the arrest, harassment and imprisonment of children for desertion and/or attempting to leave the army, and ensure their swift and unconditional release;

(iii) To allow access of the country task force on monitoring and reporting to military facilities and other areas where children may be present, in accordance with relevant provisions of the action plan, including to operational regiments and battalions, in addition to regional commands, recruitment units and training schools, with a view to releasing and discharging children from the armed forces;

(iv) To discourage the reported use of recruitment incentives and civilian brokers that may increase the risk of recruitment of children, and bring to justice perpetrators of violations and abuses against children through the investigation and prosecution of military and civilian individuals responsible for such acts;

(v) To continue facilitating access of the country task force on monitoring and reporting to other parties in Myanmar listed in annex I to the report of the Secretary-General on children and armed conflict in order to expedite the development of action plans by armed groups, in line with Security Council resolution 1612 (2005);

(vi) To continue to raise awareness of child recruitment among all levels of military personnel, especially lower and middle ranks, and the civilian population, including through, as appropriate, dissemination of relevant information on the action plan signed by the Government of Myanmar;

(b) Taking note with appreciation of the memorandum of understanding signed in June 2012 by the Government of Myanmar with ILO to end, by 2015, the use of forced labour, including the recruitment of children;

(c) Noting with appreciation the steps taken by the Government of Myanmar to allow complaints of recruitment and use of children to be made directly to the Ministry of Defence and encouraging the Government of Myanmar to maintain and to strengthen the ILO forced labour complaints mechanism as it relates to the recruitment of children;

(d) Calling on the Government of Myanmar to consider, as a matter of priority, signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(e) Calling upon the Government of Myanmar to ensure that the issue of child protection, including the release and reintegration of children, is integrated into ceasefire and/or peace talks and agreements;

(f) Requesting the Government of Myanmar to continue its efforts to ensure the safe and unhindered access of humanitarian personnel and, in this regard, reaffirming the need for all parties to uphold and respect the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Inviting him to ensure that the country task force on monitoring and reporting strengthens, in cooperation with the Government of Myanmar, its monitoring, reporting, prevention and response activities regarding all violations and abuses against children in Myanmar;

(b) Also inviting him to encourage the country task force on monitoring and reporting to prioritize, as the security situation improves, its efforts to reach out to all other parties in Myanmar listed in annex I to the report of the Secretary-General on children and armed conflict, in close cooperation with the Government of Myanmar, with a view to developing action plans to end the recruitment and use of children in violation of applicable international law and to address other violations and abuses against children in Myanmar;

(c) Further inviting him to urge the United Nations country team to integrate the action plan between the Government of Myanmar and the country task force on monitoring and reporting into its workplan;

(d) Encouraging him to request the United Nations Children's Fund, the International Labour Organization, the United Nations Development Programme and other relevant United Nations agencies and organs to provide, within their respective mandates and in close cooperation with the Government of Myanmar, further support to the Government of Myanmar to strengthen national institutions, in improving birth registration systems, in reinforcing recruitment procedures,

including through the institution of effective age verification mechanisms, in providing rehabilitation and reintegration programmes for children formerly associated with armed forces and groups, and in bolstering the education system, including in conflict-affected areas.

Direct action by the Working Group

9. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and donors:

(a) Requesting the World Bank and donors to provide further funding and assistance to support the Government of Myanmar and relevant humanitarian and development actors in strengthening national institutions, in reinforcing recruitment procedures, including through the establishment of an effective age verification mechanism, in providing rehabilitation and reintegration programmes for boy and girl children formerly associated with armed forces and groups and in bolstering the education system, including in conflict-affected areas, and to keep the Working Group informed as appropriate;

(b) Drawing their attention to the importance of psychological support as well as socioeconomic and community-based reintegration, including educational and poverty alleviation activities, in order to prevent the recruitment and the use of children in armed forces and groups by providing those children with a viable alternative.